

State of the Practice of State Alcohol Ignition Interlock Programs



A Study
Conducted
Under NCREP —
The National
Cooperative
Research and
Evaluation
Program



U.S. Department of Transportation
**National Highway Traffic Safety
Administration**



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16. Abstract <p>A breath alcohol ignition interlock device (BAIID, or interlock) prevents a vehicle from being driven unless the driver provides a breath sample indicating a blood alcohol concentration lower than a pre-set level, usually .02 g/dL. Every State uses interlocks as a sanction for driving while impaired (DWI) offenses. The law may dictate that a DWI offender is required to use an interlock, or it may allow an offender the option to use an interlock in lieu of a harsher sanction such as license suspension or revocation. Offenders using interlocks must enroll in the State BAIID program to arrange for interlock installation, management, and removal. State BAIID programs vary due to variations in DWI and licensing laws. This project sought to document the state of the practice of BAIID programs by inviting BAIID program administrators and staff from each State to complete surveys or discuss the program features. Thirty-eight State programs completed the survey, participated in the discussions, or both. Thirteen programs (including the District of Columbia) did not participate in either, limiting the completeness of the findings. The project data are summarized online, located at: https://aic.tirf.ca/alcohol-interlock-program-inventory/. This project was conducted under the National Cooperative Research and Evaluation Program, a cooperative program between NHTSA and the Governors Highway Safety Association (GHSA). Each year, the States (through the GHSA) identify highway safety research or evaluation topics they believe are important for informing State policy, planning, and programmatic activities. This report addresses one of those requested topics, the need for current information on interlock programs.</p>			
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Executive Summary

Introduction

A breath alcohol ignition interlock device (BAIID, or interlock) is a breath test device installed near the driver's seat and connected to the vehicle's ignition system. The interlock prevents the vehicle from being driven unless the driver provides a breath sample indicating a blood alcohol concentration (BAC) lower than a pre-set level (typically .02 g/dL). Every State and the District of Columbia have laws requiring or allowing BAIIDs to be installed on the vehicles of offenders of driving while impaired (DWI) or driving under the influence (DUI) laws (National Conference of State Legislatures, 2021).

Evidence has accumulated over the past 30 years showing that interlocks installed in vehicles are effective at reducing driving after drinking and lowering recidivism rates. A review of 15 scientific studies conducted by the Centers for Disease Control and Prevention (CDC) found that while interlocks were installed, the re-arrest rate of offenders decreased by 67 percent compared to groups that did not have the device installed (Elder et al., 2011). Initially, interlocks were assigned to repeat offenders and offenders who had very high BACs at the time of arrest. Increasingly, interlocks are required or allowed as an alternative to license suspension for other types of offenses, even first-time offenses.

The goal of this project was to report on the state of the practice of BAIID programs across the Nation in the key program areas of legislation, program funding, data management, vendor oversight, interlock technology, and monitoring driver compliance. The objective is related to the concern regarding the relatively low use rates of interlocks compared to the number of DWI offenders and the need to identify ways to increase interlock use. Documenting the state of the practice supports stakeholders seeking information on the different ways jurisdictions administer their programs and meet their legislative requirements.

This project was conducted under the National Cooperative Research and Evaluation Program , a cooperative program between NHTSA and the Governors Highway Safety Association (GHSA). Each year, the States (through GHSA) identify potential highway safety research or evaluation topics they believe are important for informing State policy, planning, and programmatic activities. One selected topic, the need for current information on interlock programs, is addressed in this report.

Methodology

The project obtained information directly from programs via a survey, followed by group discussions with program administrators and staff. Each program in the 50 States and the District of Columbia received invitations to complete short online surveys about key characteristics of their programs. They then received invitations to participate in a follow-up group discussion on the telephone; the discussions were held separately with each program. The survey (shown in Appendix A) and the discussion (the discussion guide is shown in Appendix B) consisted of basic questions about program characteristics. Thirty-eight programs participated in the survey, the discussions, or both. Thirteen programs did not respond. Where possible, the project team supplemented missing data with publicly available information.

Findings

The findings are summarized in terms of legislation, program funding, data collection and management, interlock technology, and driver compliance, and included as part of an online inventory, located at: <https://aic.tirf.ca/alcohol-interlock-program-inventory/>.

- **Legislation.** As noted, DWI laws vary in many ways including in the factors that trigger a requirement that the offender use a BAIID or that allow the option to use a BAAID to maintain driving privileges or another benefit (such as receiving probation in lieu of incarceration). This project found 36 States and the District of Columbia have “all-offender” legislation in which it is mandatory for any convicted alcohol-impaired drivers regardless of the BAC¹ at arrest or the number of previous impaired driving offenses, to participate in the BAIID program (and therefore, can only drive a vehicle with an interlock). Nine States require repeat and high-BAC alcohol-impaired drivers to participate in the interlock program, and 3 States require only repeat alcohol-impaired drivers to participate in the interlock program. A “hard suspension” requirement in terms of BAIIDS prohibits the offender from driving prior to obtaining an interlock license. Twenty-six States have hard suspension laws for first-time convicted impaired drivers and 27 States have hard suspension laws for drivers convicted of impaired driving offenses a second, third, and/or subsequent time.
- **Program funding.** According to NHTSA, 10 States applied for Ignition Interlock Law Grants (23 U.S.C. 405(d)) for Fiscal Year 2021. Of the 10 applicants, 5 met the criteria and received the grant. In addition, indigent funding is widely available across the States; 36 States and the District of Columbia reported they provide funding for eligible offenders to pay for enrollment and participation costs in an interlock program that provide indigent funding employ various eligibility criteria as determined in their statute or administrative regulations; it is at the discretion of the jurisdiction to set the eligibility criteria.
- **Data collection and management.** Interlock data is collected across the programs, but it is often not useable and fails to inform program improvements. Sixteen States indicated the need for better data collection and management tools and processes. Inadequate and/or inconsistent data collection and management was identified as being largely the result of budgetary constraints, inadequate staffing, and a lack of data management. Five States reported that interlock data was collected and owned by vendors, making the data unusable or inaccessible to interlock program staff.
- **Interlock technology.** Thirty-five States require enhanced technology features alongside the interlocks, such as cameras, GPS, or real-time reporting capability.
- **Driver compliance.** More than half of the States have compliance-based removal as an exit requirement from the program. Thirty States reported that designated agencies were

¹ The term BAC is often used in discussions of enforcement of impaired driving. Breath alcohol concentration (BrAC) is at times more precise if the determination of quantity is from breath rather than from blood. In common practice, terms are often used interchangeably, with BAC often used to refer to measures from either breath or blood. See *Digest of Impaired Driving and Selected Beverage Control Laws*, 30th Edition (Report No. DOT HS 812 394) for a list how the jurisdictions report their BACs at www.nhtsa.gov/sites/nhtsa.gov/files/documents/812394-digest-of-impaired-driving-and-selected-beverage-control-laws.pdf.

responsible for monitoring program compliance; 2 States reported that they did not monitor drivers for compliance. Reasons for not monitoring drivers included a lack of authority (which can occur if the interlock legislation does not specify which agency is responsible for monitoring compliance) and budgetary constraints. Twelve States noted that sanctions were often imposed for non-compliance, whereas 5 States noted that sanctions were rarely imposed. Twenty-three States indicated that the program extends the interlock program period for non-compliance (i.e., the offender has a BAC over the pre-set limit). The length of the extension ranged from 30 days to 12 months, depending on State requirements.

Introduction

A breath alcohol ignition interlock device (BAIID), often just referred to as an interlock, is a breath-testing unit mounted inside the vehicle near the driver and connected to a vehicle's ignition system. The interlock prevents the engine from being started unless the driver provides a breath sample into the device and the sample shows the driver's BAC to be lower than a predetermined level, typically 0.2 g/dL.

Over the past 30 years, evaluations of the effectiveness of alcohol ignition interlocks to reduce recidivism have shown that BAIID programs are effective at preventing alcohol-impaired driving offenders from driving their vehicles after drinking alcohol while the device is installed and in use. Interlocks may also provide general and specific deterrent effects. A systematic review of 15 scientific studies conducted by the Centers for Disease Control and Prevention (CDC) found while interlocks were installed, the re-arrest rate of offenders decreased by 67 percent compared to groups that did not have the device installed (Elder et al. 2011). A study of New Mexico's interlock program found offenders who participated in the program had a 61 percent lower recidivism rate while the device was installed and a 39 percent lower recidivism rate following the removal of the interlock compared to offenders who never had the device installed (Marques et al. 2010). A meta-analysis of BAIIDs conducted in 2005 found an average reduction of recidivism of 64 percent (Willis et al. 2005).

Some studies found reductions in alcohol-related crashes. Vanlaar et al. (2017) found a significant effect on crashes in an evaluation of Nova Scotia's BAIID program. Kaufman and Wiebe (2016) investigated the impact of State ignition interlock laws on alcohol-involved crash deaths in the United States using FARS data for 1999 to 2013 and found that requiring ignition interlocks for all impaired-driving convictions was associated with 15 percent fewer alcohol-involved crash deaths, compared to States with less-stringent requirements. Similar results have been found in studies by McGinty et al. (2017) and Teoh et al. (2018).

BAIID Programs Exist Across the Nation

Every State and the District of Columbia allow or require interlocks on the vehicles of some convicted impaired driving offenders. This type of legislation has resulted in a notable increase in the use of interlocks. In 2014 there were an estimated 318,000 interlocks in the United States, compared to about 100,000 in 2005 (obtained previously from www.RothInterlock.org; website no longer active). Data from the Traffic Injury Research Foundation (TIRF) in collaboration with TIRF USA, indicate the number of interlocks installed in the United States has increased substantially in recent years.

- TIN is the Total Installed Number or the number of *newly* installed BAIIDs from January 1 to December 31.
- TINall is the Total Installed Number of BAIIDs in vehicles at any time from January 1 to December 31 in a year, including devices that may have been installed prior to January 1 but were still in the vehicle for any time in that year after January 1.
- AIN is the Active Installed Number or the number of BAIIDs reported to be installed in a vehicle on a particular day, in other words a "snapshot" of installed interlocks at a particular moment in time, rather than during a specified period.

Based on TIN data, 223,223 installations were reported in 17 States and Washington, DC, in 2018. Comparing total installations among the 12 States that provided data for 2016 and 2018 there was a 10 percent increase from 143,471 in 2016 to 158,283 in 2018. Previous data on TINall collected from manufacturers showed the number of installations nationally was 614,626 in 2016 (Robertson et al., 2020). Applying the 10 percent growth rate to this number results in an estimated 676,089 total installations nationally in 2018. As of 2018 there were 141,480 active installations reported in 16 States. When comparing active installations among the 10 States that provided AIN data for both 2016 and 2018 there was a 5 percent decrease from 110,159 in 2016 to 105,080 in 2018. However, when comparing data from 6 States that provided this information since 2014, there has been a 10 percent increase in AIN.

Project Initiation and Objective

In the Moving Ahead for Progress in the 21st Century Act (MAP-21), P.L. 112-141, Congress directed NHTSA to establish a cooperative program—the National Cooperative Research and Evaluation Program (NCREP)—to conduct research and evaluations of State highway safety countermeasures. NCREP was continued in the Fixing America’s Surface Transportation Act (FAST), P.L. 114-94, and most recently in the Infrastructure Investment and Jobs Act (IIJA), P.L. 117-158, in 2021. This program is administered by NHTSA and managed jointly by NHTSA and GHSA. Each year, the States (through GHSA) identify potential highway safety research or evaluation topics they believe are important for informing State policy, planning, and programmatic activities. GHSA identified a need for up-to-date information on the state of the practice of interlock programs in the United States.

The objective of this project was to document the practice of interlock programs in the States and the District of Columbia with an online inventory of programs in terms of legislation, program funding, data management, vendor oversight, interlock technology, and monitoring of driver compliance.

Methodology

The methodology consisted of a combined approach with an online survey of BAIID program administrators, followed by telephone discussions with program staff. As each State and the District of Columbia have a BAIID program, each was invited via an email message to take an online survey prepared for this project. Invitations to take the survey were delivered with an email sent to program administrators. The message described the project and included a hyperlink to a secure website that hosted the questionnaire. Following the invitation email, reminders were delivered to programs that had not taken the survey. After the survey administration and several reminders, emails inviting the BAIID programs to participate in telephone group discussions were distributed. Twenty-six programs responded to the request and provided data. Twelve States did not reply to requests to participate in the survey or the group discussions. A total of 38 States are included in the analysis.

The goal of the online survey (see Appendix A) and group discussion telephone calls² was to learn about the key features of the programs. The survey was conducted using the survey platform Alchemer (formally surveygizmo, www.surveygizmo.com), which has an email campaign feature designed for the systematic collection of data. Using this email campaign feature, TIRF sent a link to the survey site to interlock program administrators and staff inviting them to provide the requested information. The initial invitation to complete the survey was sent September 21, 2020. Two reminder emails were sent to program administrators who had not yet submitted survey responses on October 12 and November 2, 2020. The information provided by the 28 responding programs was added to the inventory. Representatives from 28 States completed the online survey.

All States and the District of Columbia were contacted to schedule a group discussion and 32 States participated in these discussions. State contacts were encouraged to invite additional interlock program employees to participate. These group discussions were semi-structured using a discussion guide (see Appendix B) and based on responses to the online survey. Each discussion group consisted of two to four State employees and two TIRF staff members. Meetings were often completed within 45 minutes.

The information provided by the BAIID programs was supplemented where possible with information that is publicly available on State and Federal websites. In addition, the Coalition of Ignition Interlock Manufacturers (CIIM) provided summarized State data regarding interlock technology features (i.e., camera, GPS, real-time reporting), indigent funding, and legislation. This information was used to verify information collected from States and to provide data where values were missing in the inventory.

² The Office of Management and Budget Control Number for the data collection for this project was Control Number 2127-0738.

Findings

The findings are summarized in terms of legislation, program funding, data collection and management, interlock technology, and driver compliance. These features are essential to program delivery and effectiveness (see NHTSA, 2014).

Survey Responses and Group Discussion Participation

Table 1 lists the States that completed the online survey and/or group discussion. States that did not complete the survey were contacted to complete the survey over the phone. In the section below, the results are reported to show whether the source of information was the survey or the group discussion.

Table 1. Survey Response and Group Discussion Participation by State Program

State	Survey	Discussion	Survey and Discussion	Survey or Discussion
Arizona		√		√
Arkansas	√	√	√	√
California	√	√	√	√
Colorado	√	√	√	√
Connecticut	√	√	√	√
Delaware	√	√	√	√
Florida	√	√	√	√
Hawaii		√		√
Idaho	√	√	√	√
Illinois	√	√	√	√
Indiana	√	√	√	√
Iowa	√	√	√	√
Kansas	√	√	√	√
Kentucky	√	√	√	√
Louisiana	√			√
Maine	√			√
Maryland		√		√
Michigan		√		√
Minnesota	√	√	√	√
Missouri	√	√	√	√
Montana	√			√
New Jersey		√		√
New Mexico		√		√
New York	√	√	√	√

State	Survey	Discussion	Survey and Discussion	Survey or Discussion
North Carolina	√	√	√	√
North Dakota	√			√
Ohio	√			√
Oklahoma		√		√
Pennsylvania	√	√	√	√
South Carolina	√	√	√	√
Tennessee		√		√
Texas		√		√
Utah		√		√
Vermont	√			√
Virginia	√	√	√	√
Washington	√	√	√	√
Wisconsin	√	√	√	√
Wyoming	√	√	√	√
<i>Totals</i>	28	32	22	38

Summary of Program Characteristics by Key Feature

Legislation

Each program is unique, as it has evolved within its jurisdiction's particular legal framework including its impaired driving and driving licensing laws. Thus, programs vary in the types of DWI offenses for which BAIIDs are required or allowed (in lieu of a harsher sanction such as license revocation or suspension) and specify the consequence for non-compliance. In addition, interlock laws vary in the way they assign responsibility for the delivery of BAIID services and program management to the agencies that have responsibility for providing BAIID services and managing the BAIID program.

Type of Program

Interlock programs are broadly grouped into three types: administrative, judicial, or a hybrid of both administrative and judicial. The type of program is determined by which agency was assigned responsibility for program delivery and each type has advantages and disadvantages (see Mayer, 2009), as discussed below.

- Administrative (or license-based) programs. License-based programs are administered by the department of motor vehicles (DMV). The DMV requires the offender to install a BAIID in their vehicle as a condition of license reinstatement or in lieu of license suspension or revocation.

- Judicially administered programs. The courts have authority to mandate a BAIID for offenders, can require interlock use prior to trial or post-conviction, and can require offender participation in treatment programs.
- Hybrid. These programs use a mix of responsible entities requiring coordination between the administrative and judicial systems.

Table 2. Type of BAIID Programs (Administrative, Hybrid, Judicial) by State

Administrative	Hybrid	Judicial
Arkansas	Alabama	Idaho
Colorado	Alaska	Maryland
Connecticut	California	Montana
Hawaii	Delaware	New York
District of Columbia	Florida	North Dakota
Iowa	Georgia	Ohio
Maine	Illinois	Texas
Massachusetts	Indiana	
New Hampshire	Kansas	
New Jersey	Kentucky	
Oklahoma	Louisiana	
Pennsylvania	Michigan	
Rhode Island	Minnesota	
South Dakota	Mississippi	
West Virginia	Missouri	
Wyoming	Nebraska	
Vermont	Nevada	
	New Mexico	
	North Carolina	
	Oregon	
	South Carolina	
	Tennessee	

Administrative	Hybrid	Judicial
	Utah	
	Virginia	
	Washington	
	Wisconsin	
N=16	N=26	N=7

(Missing Arizona response)

Interlock program eligibility. Interlock laws specify the offenses for which an interlock is required or is available (e.g., as an alternative to license revocation). All-offender legislation requires all offenders convicted of DWI or as a condition of license reinstatement to enroll in an interlock program. In addition, interlocks are frequently used as a condition of probation for DWI offenders after their licenses are reinstated. Increasingly, States have adopted all-offender legislation for BAIID programs as a deterrent, punishment, and avenue to rehabilitation (by separating drinking from driving). Thirty-six States and the District of Columbia have all-offender legislation, wherein it is mandated that all alcohol-impaired drivers regardless of their BAC level or number of previous impaired driving offenses enroll in the BAIID. Nine States require repeat and high-BAC at the time of arrest alcohol-impaired drivers to participate; 3 States require only repeat alcohol-impaired drivers to participate; and in 2 States, program enrollment is determined by judicial discretion. Twenty-seven States mandate interlock program participation upon roadside test refusal, and 24 of these 27 States have all-offender legislation. The map in Figure 1 shows the types of offenses that require interlock program participation by State and the District of Columbia.

legislators are hesitant to put forward program improvements that could increase the cost for participants.

- Stakeholder education is one of the biggest barriers expressed by 3 States (3 discussions), due to “low” understanding among legislators about interlock technology and its effectiveness in reducing recidivism and crashes while installed on the vehicles.
- Fifteen programs reported interlock program improvements were being pursued in their States (15 surveys). These proposals included updates to the administrative rule, implementation of compliance-based removal, improved data collection and management, vendor oversight features, and fee changes.

Program Funding

Funding for State interlock programs is available through several sources. Some States collect fees from interlock participants and/or interlock vendors to assist with funding, while others rely on Federal Government grants through NHTSA, and/or State grants through State Highway Safety Offices (SHSOs). Respondents noted that it is important that agencies be designated as program authorities that can collect fees.

The FAST Act. The FAST Act, P.L. 114-94, was passed in December 2015 and secured 5 years of funding to States for infrastructure planning and investment. It created a new interlock grant program under 23 U.S.C. 405(d), Alcohol-Ignition Interlock Law grants, which incentivized States to expand and improve their interlock programs. SHSOs could apply for and receive the Alcohol-Ignition Interlock Law grants annually, which had the following award criteria requiring the State to

- enact and enforce mandatory interlock laws (i.e., require all impaired drivers to install an interlock) by the application deadline;
- require offenders only drive vehicles with interlock devices;
- impose a minimum 6-month interlock requirement; and
- use the funds for activities identified in the FAST Act.

In fiscal year 2021, 10 States applied for NHTSA Alcohol-Ignition Interlock Law grants. Of the 10 applicants, 5 received grants. Four States were denied grants because they failed to demonstrate that their States had statutes requiring all people convicted of alcohol-impaired driving to drive only motor vehicles with alcohol-ignition interlocks for an authorized period of not less than 6 months. The fifth State was denied a grant because the State did not limit its exceptions to the interlock requirement to the three specified in the Federal statute for people required to drive employer’s vehicles in the course and scope of their employment; people incapable of providing deep lung breath samples; or when State-certified interlock providers are not available within 100 miles of the participants’ residences.

Six States (3 surveys, 3 discussions) reported they charge driver application or license fees, which range from \$10 to \$100. Two States (1 survey, 1 discussion) reported they charge vendors fees for application to provide services in their States and renewal fees either annually or biannually. Thirty States did not provide responses.

Indigent funding. For those offenders who cannot afford to enroll in interlock programs, many States offer indigency or unaffordability strategies to allow them to participate.

Indigent funding is widely available across the States. Thirty-six States and the District of Columbia provide indigent funding to eligible interlock participants. States have discretion to set eligibility criteria in legislation or administrative rule. In determining eligibility, these States require people to provide documentation on such factors as their enrollment in public assistance programs, pay stubs, tax returns, income and expenses, number of people in their household, and assets and equity. The reported use of indigent funding in most of the States that responded to the survey was 10 percent or less. In 2 States, previous research reported the use rate was up to 15 percent. Vermont estimated the use rate varied from 15 percent to 20 percent. New Hampshire's estimated use rate was more than 25 percent (Robertson et al., 2017).

Based on data collected from States, indigent funding eligibility requirements included the following.

- Living below the poverty line (15 States)
- Receiving food stamps or enrollment in a State nutrition program (11 States)
- Determined by a court to be eligible (7 States)
- An individual application process (i.e., paper-based forms and proof of income) (4 States)
- Determined by the department of motor vehicles to be eligible (1 State)

Examples of indigent programs:

- Illinois. Indigency is determined through judicial discretion as no guidelines were established as part of the program. The indigency rate is estimated at 9 percent to 10 percent, although it should remain at 5 percent to be fully funded. Vendors are required to pay 5 percent of all collected fees from non-indigent offenders in the first offender program to the indigent fund. Quarterly, vendors bill the Illinois Secretary of State for the installations, monthly leases, and service fees for all indigent offenders.
- New Mexico. The State Department of Transportation Traffic Safety Division oversees the indigent fund, which was established in 2002. Participant eligibility is determined through participation in any approved assistance program (i.e., food stamps, supplemental security income, temporary assistance for needy families) along with an application. The fund pays for fees related to device installation and removal, monitoring, and administrative cost.
- New York. The Financial Disclosure Report (DPCA-500IID-FDR) assists courts in determining offender eligibility for reduced fees based on income, assets, expenses, and monthly costs. Courts determine if offenders are responsible for full or partial payment as well as the proportion of costs that may be covered. These decisions are included within the orders and conditions for their probation or conditional discharge. Manufacturers are required to accommodate 10 percent maximum statewide “unaffordability” before re-negotiation of contracts are considered.
- South Carolina. A State-administered indigent fund is sustained by charging each non-indigent offender a \$30 monthly surcharge. Indigency is determined using the Federal Poverty Guidelines, including factors such as number of dependents claimed for tax

purposes, living expenses, and income. Applications for indigent funding are reviewed by a committee of five officials and are approved for a 90-day period.

- Virginia. The Virginia Alcohol Safety Action Program (VASAP) grants less than 1 percent of requests for indigent funding. Offenders must first be declared indigent by the courts and then apply to VASAP for assistance, at which point VASAP assesses whether interlock fees should be waived entirely or reduced. VASAP does not have set criteria to determine indigency and instead investigates the totality of circumstances to reach decisions. Vendors are required to provide services for indigent offenders and absorb all costs, and there is no separate indigent fund within the program administration.

Data Management and Communication

It is important to capture timely and accurate data to track offender performance. Interlock data provides program managers and other decision-makers with actionable information and helps identify problems in interlock programs. There have been improvements to the collection and management of interlock data, but this effort involves a substantial undertaking. Several States have focused more attention on standardizing collection and transitioning from paper-based to electronic formats (TIRF, 2010).

Although interlock data may be collected across States, it is often not useable to inform program improvements. Sixteen States (6 surveys, 10 discussions) indicated the need for better data collection and management tools and processes. Inadequate and/or inconsistent data collection and management were largely the result of budgetary constraints, inadequate staffing, and a lack of modern data management systems. Five States (5 discussions) reported all interlock data were collected and owned by vendors within the States, making the data unusable or inaccessible to interlock program staff. Three States (1 survey, 2 discussions) indicated they are working to overhaul data collection and management and implementing new data management systems. Fourteen States did not provide responses.

Data most often collected in interlock programs:

- Interlock installations and removals (i.e., de-installs)
- Interlock violations
- Circumventions and tampering
- Driving restrictions
- Non-ownerships (i.e., clients who do not own a vehicle for interlock installation)
- Court orders and non-compliance with an interlock order
- Medical and employer exemptions
- Criminal offense data

Vendor Oversight

Vendor oversight is an essential element to every program as it ensures the use of high-quality devices that are accurate and reliable and prevent drivers from operating vehicles with BACs higher than the pre-set limit, typically .02 g/dL. A BAIID program's vendor oversight protocol describes the approval process for interlock devices and the practices associated with vendor

oversight to ensure operations are consistent with requirements specified in legislation and administrative rules. An oversight plan can demonstrate the integrity of the interlock program and show how the State ensured the competition for approved manufacturers and service centers was equitable and fair (Barrett & Robertson, 2019).

Agencies responsible for vendor oversight typically approve and re-certify vendors, conduct service center inspections, manage interlock program client complaints regarding vendors, service centers, and technicians, and communicate with vendors regarding changes in the law. The State agency responsible for vendor oversight varies across programs. In 6 States (6 discussions), the Departments of Public Safety are responsible for vendor oversight, and in 11 States (7 surveys, 4 discussions) the DMVs are responsible. In 4 States (4 discussions), the State Patrols are responsible for vendor oversight programs. Seventeen States did not provide responses.

The number of active vendors varies across States, with some States having up to 11 vendors and others having only 1. Nineteen States (6 surveys, 13 discussions) reported application processes are required for vendors that wish to provide services in their States. Each application process commonly includes a letter of intent, proof of compliance with the most recent NHTSA model specifications, insurance, a maintenance manual for the device, a sample device, any training material provided to clients, and a quality assurance plan. Among the 19 States with application processes, 13 (4 surveys, 9 discussions) require vendors to apply for re-certification. Re-certification occurs as frequently as annually, or up to every 3 years depending on the State. Nineteen States did not provide responses.

Nine States (9 discussions) require vendors to have service center locations within specific radius requirements (i.e., within a certain number of miles from any participant). Of these 9 States, 2 States (2 discussions) require vendors to have service centers located in each judicial district, 2 States (2 discussions) require vendors to have service centers located in each county, and 5 States (5 discussions) have numerical radius requirements. Twenty-nine States did not provide responses.

Interlock Technology Features

The advancement of alcohol-ignition interlock technology has necessitated concerted efforts by States to keep pace with changes in device technology and ensure program regulations and practices are adapted to new features. Technology has enhanced interlock programs by providing opportunities for increased driver monitoring. Three increasingly common enhanced interlock technology features are cameras, GPS, and real-time reporting.

- **Cameras**. An interlock device paired with a camera increases the likelihood of holding an interlock user accountable for the circumvention attempts and breath test failures. The installation of cameras prevents offenders from saying someone else used the vehicles and failed the breath tests, as this can be fact-checked against the images taken (Barrett & Robertson, 2019; TIRF, 2020).
- **GPS**. The GPS feature can be used as a risk management tool for offenders who are noncompliant with the interlock program requirements. It can serve as a graduated sanction in response to repeated violations by offenders during the interlock period. In addition to tracking locations where offenders drive their vehicles, particularly when random breath tests are failed, the GPS feature can also be used for geofencing. A

geofence is a virtual perimeter around a real-world geographic area that is generated through radius around point locations or a predetermined set of boundaries. This capability is beneficial as it means law enforcement officials and probation or parole officers could configure restricted zones for individual offenders. The GPS feature can capture the time, date, latitude and longitude, altitude, and speed of the vehicle. It captures data at various points in a trip. It can capture coordinates upon vehicle start-up and shutdown. The GPS can also provide real-time mapping capabilities where the entire driving route is captured, as the GPS can transmit data whenever it is connected to a cellular network. A network is required for the interlock device to transmit information from the interlock to the manufacturer database or portal. Given the wide availability for data to be transmitted and the additional cost associated with it, a State can select when it wants captured data to be transmitted to the manufacturer (Barrett & Robertson, 2019; TIRF, 2020).

- Real-time reporting. Some States have implemented the use of real-time reporting in which violations are reported to the program administrators daily (or as specified) instead of every 30 days when the devices are serviced. This capability also allows notification to offenders of their violations by mail within 7 days, improving the timeliness of feedback and demonstrating that the violations are reported. Real-time reporting can also be provided to probation and parole officers in texts or e-mails. For example, when an offender fails a breath test or attempts to circumvent the device, the probation officer can be alerted immediately (Barrett & Robertson, 2019; TIRF, 2020).

Based on data provided to the project team from the CIIM, 34 States require enhanced technology features alongside the interlock devices. Thirty-three States have camera requirements for interlock devices, 7 require GPS, and 9 require real-time reporting. Of the 34 States with enhanced technology feature requirements, only 4 require that all three (camera, GPS, real-time reporting) be activated on the interlock devices.

Driver Compliance

Research has shown that monitoring offenders for the commission of violations, followed by imposition of responses, increases compliance. For example, monitoring offenders has resulted in reducing average BACs and the number of violations (Vanlaar et al., 2010; Vanlaar et al., 2013; Ahlin et al., 2014; Assailly & Cestac, 2014; Voas et al., 2016; Vanlaar et al., 2017).

Compliance-based removal has been adopted by many States. Once interlock users have been compliant for a set amount of time (e.g., 90 days), or for a specified time at the end of their interlock periods, they are eligible to have the interlock removed. In contrast, a failed breath test or circumvention attempt within the designated time can result in a program extension. In this way, participants are reinforced for compliance and punished for committing violations.

Thirty States (25 surveys, 5 discussions) reported that designated agencies are responsible for overseeing driver compliance. This responsibility involves ensuring that eligible offenders enroll in and complete the interlock programs before they regain full driving privileges and that the agencies respond to program violations by imposing sanctions on the offenders. Two States (1 survey, 1 discussion) did not monitor driver compliance. Their agencies stated they did not have the authority to ensure offenders enrolled in and completed the programs. This may result from gaps in legislation or agency rules. For example, many licensing agencies can withdraw

driving privileges, but cannot oblige offenders to complete the necessary steps to regain driving privileges if they opt to simply drive unlicensed, particularly when the likelihood for detection is low. Some agencies lacked the authority to impose specific consequences for breath test violations by extending program participation, and some agencies lacked the capability to monitor offenders due to inadequate data systems, budgetary constraints, or lack of staff. Six States did not provide responses.

Twelve States (12 surveys) indicated sanctions are often imposed for non-compliance, whereas 5 States (5 surveys) reported sanctions are rarely imposed, 4 States reported sanctions are occasionally imposed, and 3 States (3 surveys) indicated sanctions are never imposed. Eighteen States did not provide responses.

Twenty-three States (15 surveys, 8 discussions) extend the interlock program periods for non-compliance (i.e., having a BAC over the pre-set limit). The length of extension ranges from 30 days to 12 months, depending on State requirements. Ten States (10 surveys) reported they will not extend the program length for non-compliance and 1 State (1 discussion) indicated extending the program length for non-compliance was at the discretion of the court. Four States did not provide responses.

Methods to provide notices of non-compliance vary across States. Three States (3 discussions) rely on State Patrols to contact and sanction non-compliant drivers, while 5 States (5 discussions) indicated they mail letters to drivers. The letters describe the violations, includes next steps for drivers, and provides information on appealing the violations. Thirty States did not provide responses.

Five States (5 surveys) reduce the interlock program period for compliance, 3 of the 5 States do this as part of a first-offense impaired driver program, and 2 States do so at the discretion of the courts. Twenty States (20 surveys) do not reduce periods for compliance, and 1 State (1 survey) reported that program period reduction is at judicial discretion. Twelve States did not provide responses.

Thirty-one States (31 surveys) require compliance-based removal as exit requirements for the interlock programs. The violation-free periods ranged across programs, as did the length of the extensions. Violation-free periods range from 30 to 90 days, and extensions range from 30 to 120 days. Six States (6 surveys) indicated “other” as exit requirements for the programs and 1 State did not provide a response.

Discussion – Common Strengths

Legislation. Thirty-six States and the District of Columbia (per CIIM data) have mandatory all-offender requirements, which represents a general shift in legislation requiring interlock installation for all types of offenders, including first offenders. As of January 2022 some States were seeking further enhancements to their legislation such as interlock requirements for drug-impaired drivers and the use of compliance-based removal. These types of initiatives demonstrate continued efforts to strengthen interlock legislation and address gaps in coverage.

Interlock technology. Most States require enhanced technology features alongside the interlocks. These enhanced technology features strengthen the ability of agencies to monitor compliance and respond to violations by receiving data on the location and time when drivers exceed the BAC limits. Because real-time monitoring is resource-intensive, it may be most efficiently applied with offenders who have histories of violating program rules.

Driver compliance. More than half the reporting States have compliance-based removals as exit requirements of the BAID programs. Compliance-based removal serves as an incentive for a driver to comply because the driver is reinforced positively with the program period being shortened. Some programs allow for an “early exit” for drivers who comply with program requirements. Research has shown that monitoring offenders for violations and then imposing appropriate responses tends to increase compliance and improve program outcomes, including reductions in average BACs of drivers and the numbers of violations (Bourke & Van Hasselt, 2001; Rudes et al., 2012; Akers & Jennings, 2019).

Indigent funding. A barrier to interlock use was the cost of program enrollment and participation for an offender lacking the means to pay. In response to this problem, most States incorporate financial support as program features, following standards based on State experience or Federal programs. The result is that indigent funding is widely available across State BAID programs. State experiences demonstrate the need to strictly follow clearly defined and fair eligibility rules to avoid overspending and depleting funds.

Discussion – Common Challenges

Data collection and management. High-quality data are fundamental to the effective management of interlock programs. Without robust data to guide decision-making, it is difficult to identify problems and to allocate resources efficiently. However, several States reported that data were limited or unavailable to varying degrees. Developing a workflow map of the BAID program (from point-of-entry to exit) is a useful means for identifying available data and data gaps and their causes. Key issues to consider include the type of data to collect, who collects the data, and how the data are shared with partners. Identifying data gaps allows for more easily determining the data collection priorities. Moreover, this process can help ensure data-collection and data-sharing partners have uniform understanding of the system while encouraging data standardization.

Initiatives to improve data collection are substantial undertakings for any jurisdiction. A high level of engagement from stakeholders in the planning process can contribute to the success of these initiatives. Similarly, having at least one staff person knowledgeable about existing data collection systems and practices, and who can “speak the language” of information technology contractors is essential to ensure the data collection systems are well-integrated and meets the needs of agencies. Robertson, Holmes, and Vanlaar’s [*Alcohol interlock programs: Data management system implementation*](#) (2013) is a resource based on the experiences of program administrators and device manufacturers that provides guidelines and examples of the development of an automated data management system.

Practitioner Education and Training

There are opportunities to reinforce and enhance practitioner education and training in the DWI system. The growing availability of online educational platforms and webinars has increased the efficiency of education, making it possible to reach a larger population of professionals at a reduced cost. Thus, an agency can investigate the use of online training resources to determine whether a web-based approach is feasible.

Cross-professional training is an efficient way to deliver education and can provide value through the exchange of perspectives and experiences. For instance, the National Traffic Law Center website includes available presentations and on-demand learning for *Prosecuting the*

Impaired Driver, Prosecuting the Drugged Driver, and other related topics at <https://ndaa.org/programs/ntlc/impaired-driving/training-courses/available-presentations/> and for training and webinars and <https://ndaa.org/training-courses/national-traffic-law-center-trainings/>.

Summary

The objective of this project was to document the state of the practice of interlock programs and produce an online inventory of interlock programs. This objective was accomplished through an online survey and group discussions, supplemented with information included on publicly available State and Federal websites. In addition to the report, the collected data is posted on the online inventory at <https://aic.tirf.ca/alcohol-interlock-program-inventory/>. The inventory can be queried according to specific program features and is available to all interlock program stakeholders. It provides a dashboard of State interlock programs in terms of program key features. This information can inform efforts and identify successful approaches to program management and enhance program delivery.

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Appendix A: Online Survey

State of the Practice of Ignition Interlock Programs Online Questionnaire

Under the Paperwork Reduction Act, a Federal agency may not conduct or sponsor, and a person is not required to respond to collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control number. The OMB Control Number for this information collection is 2127-0738 (expiration date: 06/30/2022). The average amount of time to complete the form is 15 minutes. All responses to this collection of information are voluntary. If you have comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden send them to Information Collection Clearance Officer, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

Jurisdiction:			
Agency:			
Type of Program:			
	First Offenders	Repeat Offenders	
Administrative			
Judicial			
Legislation:			
Program Eligibility:			
	First Offenders	Repeat Offenders	
voluntary to reduce hard suspension			
voluntary with no reduction in suspension			
voluntary in lieu of other programs or sanction			
mandatory condition of reinstatement			
condition of probation under judicial discretion			
mandated by legislation			
Program Administrator			
<input type="radio"/> Driver licensing agency			
<input type="radio"/> Courts			
<input type="radio"/> Service Provider			
<input type="radio"/> Other			
<input type="radio"/> None			
Participants:			
Number of Participants:	<input type="radio"/> < 250 <input type="radio"/> 251-500 <input type="radio"/> 501-1000 <input type="radio"/> 1001-2000 <input type="radio"/> 2000+ <input type="radio"/> Not Available		
Year:			
Participation Rate:	___ %	Not Available	
Availability of Hardship License			
	Yes	No	
First Offenders			
Repeat Offenders			
Subsidized/Indigent Funding			
Length of Hard Suspension:			
	Less than 1 year	1 year	More than 1 year
First Offenders			
Repeat Offenders			

Program Length:						
	Min. months	Max. months	Extension for non-compliance		Reductions for compliance	
First Offenders			Yes	No	Yes	No
Repeat Offenders			Yes	No	Yes	No
Treatment Availability:						
Yes				No		
Treatment Components:						
Screening		Education Program		Treatment Program		
Responsibility						
Monitoring Agency		Sanctioning Agency		Frequency of servicing		
Driver licensing agency		Program Administrator		30 days		
Courts /Probation		Probation		60 days		
Service Provider		Courts		90 days		
Other		Service Provider		Other		
None		Other		Unknown		
None		None		Unknown		
Frequency of Sanctions for Non-compliance:						
Never		Rarely		Occasionally		Often
Legislative Highlights:						
Must own the vehicle						
Not necessary to own vehicle						
An offense to drive a vehicle without an interlock						
An offense to loan or rent/drive a vehicle to a restricted driver						
An offense to request a sample from a bystander to start the vehicle						
An offense to provide a sample to start the vehicle for a restricted driver						
Program Evaluation:						
Yes		Reference:				
No						

Program Contact:
Notes:

Submitted by:
First name
Last name
Title
Email
Phone
To reduce spam, please enter the following code into the anti-spam field.
Anti-spam code

Appendix B: Discussion Guide

Discussion Guide

Interviewer will start the interview by reading the following statement.

Under the Paperwork Reduction Act, a Federal agency may not conduct or sponsor, and a person is not required, to respond to collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control number. The OMB Control Number for this information collection is 2127-0738. The average amount of time to complete the interview is one hour. All responses to this collection of information are voluntary. If you have comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden send them to Information Collection Clearance Officer, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

SECTION A: DEMOGRAPHICS

1. From the following list, which best describes the agency you represent?
 - Driver licensing
 - Highway Safety Office
 - Law enforcement
 - Courts
 - Correctional services/Probation
 - Treatment
 - Other

SECTION B: LEGISLATION

2. Has one or more pieces of ignition interlock legislation (including amendments to existing laws) been passed in the State within the last five years?
 - If yes: obtain information about the legislation/year it was passed
 - If no: obtain the last known year of legislative change
3. What are the most challenging aspects associated with introducing and passing ignition interlock legislation in your State?
 - Political leadership
 - Lack of partnerships
 - Funding
 - **dashboard
 - Other:
4. Does your State allow DWI offenders to obtain a hardship license?
 - If yes: obtain information about whether that license requires an interlock and if a restriction is noted on their physical license.

5. What is the minimum length of time an offender must have an interlock installed on their vehicle for the:
 - First offense
 - Second offense
 - Third offense
 - Fourth/subsequent offense
6. Are there special provisions within the ignition interlock program for young drivers under the age of 21?
7. What are the exit requirements for the interlock program (e.g., compliance based)?
8. Is there a hard suspension period in your State?
 - If yes: obtain information about the length of the suspension period for each offense.
9. What is the look back period in your State?
10. What is being worked on for program improvement? Are there any changes for program improvement being pursued?

SECTION C: PROGRAM DEVELOPMENT

11. What type of program is in place in your State? (e.g., administrative, judicial, hybrid)
12. Who has the authority for device and approval?
 - What are the device certification requirements beyond the model specifications?
 - Is the interlock device required to have a camera or GPS?
 - What year were the last revisions or updates made to the administrative rules?
13. Is the interlock program available within rural areas? (less than 50,000)* look for definition in Working Group report to quantify
 - What measures are taken to ensure this? (i.e., service centers within an X mile radius of customers) Is there a radius requirement for service centers and does the program authority have authority to designate vendors to a certain area?
14. Is your program mandatory or permissive?
15. What types of data are collected?
 - Interlock data vs. installation/program processing data, arrest data, convictions, program management (list out)
16. How are data collected and managed pertaining to ignition interlocks?
 - What agencies collect data?
 - Is it standardized?
 - How is it being used? – What decisions are based on the collected data? (violation decision, compliance-based removal, participation rates)

- Is it computer file based (i.e., Excel) or automated? **look at Dashboard for categories
 - How far back do data go? For what time period are data retained?
 - If no data are collected, is there a specific reason (i.e., resources, funding, personnel)? What barriers impede data collection?
 - Are the data shared, or partially shared between all agencies?
 - If no, why not (i.e., confidentiality, limited resources)?
 - Are installation and removal rates of the interlock available and accessible?
 - Are violation and monitoring rates collected? What level of monitoring is conducted (i.e., are first offenders monitored)? Define rates (per offender, month, caseload?) (What's the denominator?)
 - What is the approximate ignition interlock program participation rate? (What's the denominator?)
 - What is the denominator for this rate?
17. Are there any public education campaigns that promote the use of ignition interlocks?
- What public education materials are available?
 - Has any public education been undertaken since the launch of the program/since the last legislative change?
 - Following the additional education implementation, is there any continuing education since the program was implemented or since laws were changed?
18. Additional questions if yes:
- What medium is used for the campaigns (i.e., TV or radio commercials, billboards)?
 - Please provide examples if available.
 - Who funded these campaigns?
19. What agencies receive training about the interlock program? / Do staff in State agencies receive training about the interlock program? If yes, who?
- What training do they receive?
 - Who administers or provides the training?

SECTION D: DELIVERY OF SERVICES

20. Is there any monitoring for program compliance?
- Who has the authority to monitor program participants?
 - What does the monitoring consist of? / How are offenders monitored?
21. Is there communication and information sharing on program participants between the court systems and licensing agency? / Is information about program participants shared between agencies (aside from any DWI court approaches)?

22. Additional questions (if required):
- How is information shared between the two agencies? Is it shared verbally or electronically?
 - Are there regularly scheduled meetings?
 - What are some of the reasons for lack of and/or weak communication among agencies? – take options from Dashboard
23. Is there a designated staff unit whose sole responsibility is the ignition interlock program? / Does this interlock program have dedicated staff?
- If yes:
 - What are their responsibilities?
 - Approximate number of employees?
 - Are they employed by the court or licensing agency?
 - Do they monitor interlock offenders for non-compliance (i.e., violations?)
 - If no: Are there general staff with interlock responsibilities?
 - Are there any staff members assigned to work with the interlock program in addition to other tasks?
 - If yes: Do they receive training specific to interlocks?
 - If no: Who oversees the interlock program?
24. How is the interlock program funded (i.e., offender fees vs. State funded)?
- What are the sources of funding? – fees for all impaired drivers, monthly participation fees, etc.
 - Is the program self-sustaining?
 - Who has the authority to require interlock fees?
25. Has funding declined within the past five years?
26. Who oversees the vendors in the interlock program? Is there a State agency responsible for vendor oversight?
- Is there a vendor certification process? – Are the manufacturers approved and certified (in addition to devices)?
 - If yes: Who is responsible for this?
 - Is there a vendor oversight program? Who is responsible for this?
 - What are the tasks and roles for the vendors? – What are the requirements for vendors to be approved and certified?
 - Are the tasks and roles universal for all vendors?
27. Are there treatment programs available for offenders? / Aside from State required alcohol education program, are offenders required to complete treatment as a requirement of the interlock program?

- If yes:
 - Is it mandatory?
 - Is it part of the interlock program?
- 28. Is there a pre-trial program for offenders? **this is legislative summary piece
 - Does the program use an interlock as a requirement of the program?
 - If yes: Are the program interlock numbers counted in the statewide interlock counts?
- 29. Do the DWI court programs use interlocks as a requirement of the program?
 - If yes: Are the DWI court interlock numbers counted in the statewide interlock counts?
- 30. Does the ignition interlock program have reciprocity with other States (i.e., 'guest clause')? / Do State program administrators have the authority to work with other jurisdictions with regard to offenders completing interlock program requirements?
 - What main States are included within the reciprocity?
 - What are the reciprocity agreements?
- 31. Is there indigent funding? * Ask if requirements from indigency report are still valid
 - How is this funded?
 - What are the eligibility requirements?

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**National Highway Traffic Safety
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